

Judge Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 RONALD L. STRUVE, )  
 )  
 Defendant. )

NO. CR 09-0030MJP

**GOVERNMENT'S SENTENCING  
MEMORANDUM**

The United States of America, by and through Jeffrey C. Sullivan, United States Attorney for the Western District of Washington, and Michael Dion and Thomas M. Woods, Assistant United States Attorneys for said District, respectfully submits this sentencing memorandum regarding Ronald L. Struve.

Struve is before the Court to be sentenced after pleading guilty to possession of plastic explosives that lacked a detection agent, in violation of Title 18, United States Code, Section 842(n)(1), and four counts of possession of an unregistered firearm, in violation of Title 26, United States Code, Section 5861(d). As set forth below, the Government recommends a sentence of 63 months imprisonment to be followed by three years of supervised release.

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1       **I.       FACTUAL AND PROCEDURAL BACKGROUND**

2       **A.       The Investigation**

3       On November 13, 2008, an individual contacted the Bureau of Alcohol, Tobacco,  
4       Firearms and Explosives (“ATF”). The individual explained that he had purchased the  
5       contents of a storage unit at an auction after the storage fee had not been paid and the unit  
6       had gone into default. The individual said that the contents contained firearms, and that  
7       he wanted ATF to examine the items to determine whether they were legal to possess.

8       ATF agents went to the individual’s location, and discovered that the auction  
9       contents contained an arsenal of weapons and explosives. Specifically, the auction  
10      contents included two grenade launchers, fifty-four high explosive grenades, six 1.25  
11      pound blocks of C4 plastic explosives, thirty-seven machine guns, at least eight silencers,  
12      and four “any other weapons,” as that term is defined in Title 26, United States Code,  
13      Section 5845. One of the high explosive grenades had been previously “dud-fired,”  
14      making it a dangerous live, unexploded ordnance. The auction contents also included a  
15      variety of ammunition and devices, including blasting caps, detonator cord, gun powder,  
16      practice grenades, flares, and fuses. ATF agents determined that many of the items,  
17      including the fifty-four high explosive grenades, had been stolen from the United States  
18      military.

19      The storage facility told ATF agents that the unit had been rented under the name  
20      “Gary Moll.” ATF agents later learned that Ronald Struve, a court reporter, had rented  
21      the facility under this name with an address that was not associated with Struve.

22      On January 6, 2009, ATF agents executed a search warrant at Struve’s Spokane  
23      residence. During the search, Struve waived his rights and spoke with ATF agents. The  
24      agents asked Struve whether he planned to use the items. He responded that he might  
25      “some day” against the “enemy.” When asked to identify the “enemy,” Struve mentioned  
26      the Russians and the Chinese, and said that “we” also have trouble in our own country,  
27      and that the country was not going in a good direction. After agents commented that  
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1 Struve possessed a large number of items for one person, Struve said that he would  
2 distribute the items to others if needed when the day came.

3 ATF agents asked Struve whether he maintained any additional storage units.  
4 Struve admitted renting a unit in Lynnwood, Washington, and said “you won’t find  
5 anything there.” Struve specifically denied renting any units in Spokane. When  
6 confronted with paperwork from a Spokane storage facility, Struve shrugged his  
7 shoulders, and said that ATF might have to look into the matter. Agents later determined  
8 that Struve rented three other storage units in Spokane, and another unit in Cottage Grove,  
9 Oregon. Agents discovered that Struve had stored in one of the Spokane storage facilities  
10 eight machine guns, one silencer, eleven 40mm practice rounds, two other 40mm rounds,  
11 21 canisters of smokeless powder, and a 40mm round that fires .22 caliber ammunition.

12 During the search of Struve’s Spokane residence, ATF agents discovered an  
13 additional “any other weapon,” as that term is defined in Title 26, United States Code,  
14 Section 5845(e), *i.e.*, an unknown manufacturer, Model MK IV, 12 gauge signal pistol  
15 with no serial number.

## 16 **B. Procedural History**

17 On January 7, 2009, Struve was charged in a two-count Complaint with unlawful  
18 storage of explosives, in violation of Title 18, United States Code, Section 842(j), and  
19 possession of an unregistered firearm, in violation of Title 26, United States Code,  
20 Section 5861(d). On January 23, 2009, Struve was ordered detained pending trial.

21 On January 28, 2009, Struve was charged in an indictment with possession of  
22 plastic explosives that lacked a detection agent, in violation of Title 18, United States  
23 Code, Section 842(n)(1);<sup>1</sup> unlawful storage of explosives, in violation of Title 18, United  
24 States Code, Section 842(j); and one hundred and fifteen counts of possession of an  
25 unregistered firearm, in violation of Title 26, United States Code, Section 5861(d).

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28 <sup>1</sup> A “detection agent” renders the plastic explosives capable of detection by a bomb-sniffing dog  
or an electronic bomb detector. *See generally* Convention on the Marking of Plastic Explosives for the  
Purpose of Detection, Mar. 1, 1991, 30 I.L.M. 726.

**C. Plea Agreement**

On March 12, 2009, Struve pleaded guilty to possession of plastic explosives that lacked a detection agent (Count One) and four counts of possession of an unregistered firearm (Counts Three, Forty-Four, Sixty-Three, and Sixty-Six). Struve admitted to possessing a total of forty-five “machine guns,” fifty-seven “destructive devices,” and five “any other weapons,” and as those terms are defined in Title 26, United States Code, Section 5845. Struve also admitted to possessing at least nine “silencers,” as that term is defined in Title 18, United States Code, Section 921. Finally, Struve admitted to possessing six 1.25 pound blocks of C4 plastic explosives that lacked a detection agent.

In the plea agreement, the parties agreed that the following Guidelines provisions apply:

- a. A base offense level of 18, pursuant to USSG § 2K2.1(a)(5);
- b. An eight point increase to the base offense level for 100 or more firearms, pursuant to USSG § 2K2.1(b)(1)(D);
- c. A two point increase to the base level offense for possession of a destructive device, pursuant to USSG § 2K2.1(b)(3); and
- d. A two point increase to the base level offense for possession of a stolen firearm, pursuant to USSG § 2K2.1(b)(4).

The United States also agreed not to seek a fifteen point increase to the base level offense for possession of a destructive device that is a portable rocket, a missile, or a device for use in launching a portable rocket or a missile, pursuant to USSG § 2K2.1(b)(3)(A).

The parties agreed that, as a result of the adjustments set forth above, the Defendant’s offense level is 29, pursuant to the cap specified in USSG § 2K2.1(b). The parties agreed to seek no other adjustments, enhancements, or departures, except for an acceptance of responsibility reduction. Finally, the parties agreed to recommend a sentence within the Guidelines range as that range is calculated by the parties in the plea agreement.

## 1        **II.     The Sentencing Guideline and Section 3553(a) Analyses**

### 2        **A.     The Sentencing Guidelines**

3            Under USSG § 2K2.1(a)(5), Struve's base offense level is 18 because the offense  
 4 involved a firearm described in Title 26, United States Code, Section 5845(a).<sup>2</sup> In  
 5 particular, Struve admitted possessing multiple "machine guns," "destructive devices,"  
 6 "silencers," and "any other weapons," all of which constitute firearms under Section  
 7 5845(a).

8            Under USSG § 2K2.1(b)(1)(D), the offense level should be increased by eight  
 9 levels because Struve admitted that he possessed 100 or more firearms.

10          Under USSG § 2K2.1(b)(3), the offense level should be increased by two levels  
 11 because Struve possessed a destructive device, including, for example, the fifty-four high  
 12 explosive grenades.

13          Under USSG § 2K2.1(b)(4), the offense level should be increased by two levels  
 14 because Struve possessed a stolen firearm. The fifty-four high explosive grenades, for  
 15 example, were stolen from the U.S. military.

16          As a result of the foregoing, the offense level totals 30. However, under USSG §  
 17 2K2.1(b), Struve's offense level is capped at 29. The Government acknowledges that  
 18 Struve should receive a three-point reduction for acceptance of responsibility. *See* USSG  
 19 § 3E1.1(a) and (b). Accordingly, Struve's offense level is 26.

20          Struve is not known to have any criminal history. As a result, his Guidelines  
 21 sentencing range is 63 to 78 months.

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 27          <sup>2</sup> Under the Guidelines, the counts to which Struve pleaded guilty are grouped together, *see*  
 28 USSG § 3D1.2, and the count that has the highest offense level from the group supplies the applicable  
 offense level, *see id.* § 3D1.3(a). In this case, the unregistered firearm counts provide a higher offense  
 level than the plastic explosives count. Thus, USSG § 2K2.1, which applies to the unlawful possession  
 of an unregistered firearm, is the applicable guideline.

### 1           **III.    The Government's View as to the Appropriate Sentence**

2           The Government recommends that the Court sentence Struve to 63 months  
3 imprisonment to be followed by three years of supervised release. The Government  
4 believes that this sentence is appropriate for a number of reasons.

5           First, Struve possessed one of the largest known arsenals of dangerous weapons  
6 and explosives for one individual in this region's history. Struve's arsenal included  
7 forty-five machine guns, fifty-four high explosive grenades, over seven pounds of plastic  
8 explosives, two grenade launchers, at least nine silencers, numerous practice grenades,  
9 approximately twenty-five feet of detonator cord, several pounds of gun powder, multiple  
10 blasting caps, several fuses, and a variety of ammunition. Struve's arsenal, to say the  
11 least, was capable of inflicting deadly force on a devastating scale.

12           Second, Struve placed members of the public at great risk of bodily harm,  
13 including death. Struve stored plastic explosives and numerous grenades, including a  
14 dud-fired grenade, in a commercial storage facility that was frequented by the public. If  
15 there had been a fire or an earthquake at the facility, the consequences could have been  
16 catastrophic. Moreover, the auction winner and others could have been killed or seriously  
17 injured while moving the boxes of explosives from the storage facility to the auction  
18 winner's residence. Further, Struve stored his arsenal in a relatively unsecured location.  
19 If there had been a break-in at the storage facility, his arsenal could have been sold to  
20 others or otherwise ended up in dangerous hands.

21           Third, Struve's statements to ATF raise grave concerns about his motivation for  
22 stockpiling his arsenal. Struve told agents that he believed that he might need to use his  
23 arsenal "some day" against the "enemy." He stated in particular that "we" have trouble in  
24 this country, and that the country is not going in a good direction. He also mentioned that  
25 he would distribute his arsenal to others if needed when the day came.<sup>3</sup>

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27           <sup>3</sup> The Government has considered the forensic psychological evaluation conducted by Dr.  
28 Whitehill. Dr. Whitehill opines that Struve's risk of committing violent acts is exceedingly small.  
However, the evaluation leaves unanswered the question of what events, if any, would have triggered  
Struve to believe that he needed to use his arsenal to combat the "enemy." Dr. Whitehill's evaluation

Fourth, Struve went to great lengths to keep his arsenal hidden from law enforcement and public view. He rented the Bellevue storage facility under a false name and address. He stored machine guns and other items in multiple locations. Even after he was confronted with evidence of a Spokane storage facility, he lied to ATF agents about the existence of his three Spokane storage facilities, one of which housed eight machine guns, one silencer, and ammunition.

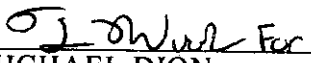
### CONCLUSION


For the foregoing reasons, the Government respectfully recommends that the Court impose a sentence of 63 months imprisonment, three years supervised release, and a five hundred dollar special assessment.

DATED this 7th day of August, 2009.

Respectfully Submitted,

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MICHAEL DION  
Assistant United States Attorney

  
THOMAS M. WOODS  
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similarly does not answer who Struve might have considered the "enemy," other than Struve's fear during the Cold War of a Soviet invasion.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/ Thomas M. Woods  
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